

**REMARKS**

A telephone interview between the Examiner, Ms. Laura C. Schell, and applicant's undersigned representative was conducted on September 21, 2006. Prior to the interview, proposed amendments to the claims were sent to Ms. Schell. The amendments to the claims made herein correspond to the proposed amendments provided to Ms. Schell except for the following:

(1) the recitation --at least-- has been inserted before "three slits" in line 9 of claim 1 for consistency with the recitation "at least three slits" in line 6 of claim 1;

(2) claims 3-8 and 12 have been amended to change the recitation "the slit" to --each of said at least three slits-- to ensure proper antecedent basis for claim terminology;

(3) claim 10 has been amended to change the recitation "a distal end portion of the slit where the slit undergoes a change in direction is" to --the V shape or arched shape convex portion and corresponding V shape or arched shape concave portion are-- also to ensure proper antecedent basis for claim terminology; and

(4) claims 13 and 14 have been cancelled.

In the action, under the heading "Claim Rejections - 35 USC § 112", it is stated that the "claim recitations 'means for positioning the wing' in claims 7 and 8 are not considered as

invoking 35 USC 112 6<sup>th</sup> paragraph as they do not meet the three prong test set forth in the MPEP 2181, particularly for reciting too much structure." (Action, page 2, lines 2-4).

The statement in the Action does not appear to be a rejection of claims 7 and 8. Instead, this statement appears to mean only that claims 7 and 8 are not being interpreted as "means plus function" claims because the structure recited in these claims is sufficient to achieve the function of "positioning the wing [at the position where the winged needle is accommodated in the protector sheath]". Therefore, no amendments have been made to claims 7 and 8. If applicant's understanding is not correct and the claims are being rejected, the Office is respectfully requested to clarify the rejection.

Claims 1, 3-8 and 10-14 are rejected in the Action under 35 U.S.C. 103(a) as being unpatentable over Gollobin et al. (U.S. Patent No. 5,330,438) (hereinafter: "Gollobin") in view of Hogan (US Patent No. 4,842,586) (hereinafter: "Hogan"). However, on page 3 of the Action under "Suggestions", amendments to the claims are suggested that the applicant understands will distinguish over the combination of Gollobin and Hogan. The proposed amendments to the claims that were discussed with Ms. Schell on September 21, 2006, attempted to incorporate the suggested amendments.

During the interview on September 21, 2006, Ms. Schell indicated that the proposed amendments to claim 1 would avoid the 35 U.S.C. § 103(a) rejection. No agreement was reached regarding the proposed amendments to claim 13.

Therefore, since the amendments to claim 1 made herein correspond to the proposed amendments to claim 1, and in view of the cancellation of claims 13 and 14, the application is now believed to be in condition for allowance. A notice of allowability is believed to be in order and is respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated June 29, 2006, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

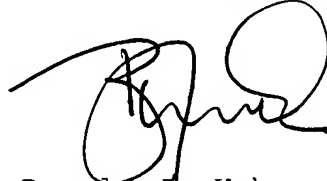
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SUBMISSION UNDER 37 C.F.R. § 1.114

**PATENT**

In the event any additional fees are required, please also  
charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK

A handwritten signature in black ink, appearing to read 'Ronald J. Kubovcik', with a large, stylized initial 'R' and 'K'.

Ronald J. Kubovcik  
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